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LETTER DATED 5 MAY 1997 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In its presidential statement of 11 March 1997 (S/PRST/1997/12), the Security Council asked me to keep it informed about the follow-up to the incident on 10 February 1997 in Mostar, in which one person died and others were wounded in a violent assault against a group of civilians.

Pursuant to this request, and supplementing the information provided to the Council by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina (see S/1997/310 of 14 April 1997), I have the honour to attach the executive summary and the conclusions of a report, issued on 26 March 1997, entitled "Mostar - Human rights and security situation, 1 January-15 February 1997". The report was prepared by the International Police Task Force (IPTF) and the Human Rights Coordinating Centre at the request of the principals of the major international implementing organizations. Its full text is available in the files of the Secretariat to members of the Security Council upon their request.

In relation to the Council's request to be kept informed about the follow-up to the 10 February incident, I regret to report that, since the letter by the Principal Deputy High Representative of 23 March 1997 (S/1997/256), there has been no further action by the responsible authorities to implement the demands contained in the presidential statement of 11 March 1997. However, the general situation in Mostar has improved in the past six weeks. Evictions from West Mostar have stopped and 100 police officers (50 Bosniacs and 50 Croats) are jointly patrolling the central district of the town. IPTF has also made progress in its negotiations for the establishment of the joint Federation police force in the Neretva (Mostar) Canton.

Members of the Security Council will recall that, in its resolution 1103 (1997) of 31 March 1997, the Council acknowledged "the importance of ensuring that the IPTF is able to carry out all the tasks with which it has been entrusted, in particular those tasks set out in the conclusions of the London Conference" - of which the IPTF investigation into the Mostar incident is a prime example. In the same resolution, the Security Council decided to "consider expeditiously" the recommendations concerning those tasks contained in my report of 14 March 1997 (S/1997/224), which include an increase in IPTF

strength by 120 personnel. I should like to take this opportunity to reiterate my recommendation and to express the hope that the Security Council will find it possible to respond positively to it.

(Signed) Kofi A. ANNAN

Annex

Mostar

Human rights and security situation, 1 January-15 February 1997

Prepared by the International Police Task Force and the Human Rights Coordination Centre pursuant to the request of the principals of the major international implementing organizations on 24 February 1997

I. EXECUTIVE SUMMARY

In their meeting of 24 February 1997 the principals of the major international implementing organizations requested IPTF and the Human Rights Coordination Centre of the Office of the High Representative to submit a report, for consideration by the Federation partners, detailing the incidents preceding and following the violence of 10 February 1997. In his letter of 25 February 1997, the Principal Deputy High Representative stated that the Federation partners "must commit themselves to draw all necessary conclusions [from this report], including personal consequences for all officials and police officers who have failed to perform their duties". The decision to produce this report followed the finding in the earlier IPTF investigation report dated 24 February 1997, which stated that police and civil authorities on both sides of the city failed to respond effectively to security and human rights incidents that occurred in connection with and following the 10 February 1997 violence. The period of review was from 1 January to 15 February 1997. The nearly 200 incidents which occurred during that period are the subject of this report.

From 1 January to 10 February 1997, there were a substantial number of acts of violence, including assaults and explosions, in Mostar. These, along with violations of human rights and freedom of movement, contributed to a growing environment of lawlessness throughout the area. Residents of both east and west Mostar, as well as travellers to and from the city, were subjected to criminal attacks, some of which appeared to involve organized criminal elements operating in the city. In the 28 recorded cases of such threats and assaults, both Bosniacs and Croats were victims in equal proportion. In addition, over the 41 days of this period, there were more than 40 explosions and firing incidents, and 6 illegal evictions. In a number of these incidents, local police were implicated either directly or through failure to act. There were few arrests from 1 January to 15 February of those who committed these acts of violence.

These events followed a pattern of incidents that had been occurring during the previous year. While there has been an ebb and flow of violent events from week to week, with some peak periods and some periods of lesser activity, the general environment in Mostar has been one of unchecked violence, with little police or political action being taken to create a sense of normalcy, peace and security. The incident on 10 February 1997 was, therefore, not the logical culmination of a steadily increasing level of violence but instead was a particularly egregious consequence of the lawlessness which has been permitted to flourish in Mostar.

The 10 February incident became, however, the excuse for two series of abuses which were different in scale from the more sporadic acts which preceded them. In a period of less than five hours, 22 cases in which Croat travellers were stoned, threatened, robbed or assaulted occurred on the M-17 highway. In nearly half of these cases, east Mostar police were reported to have been either directly responsible for the violence or to have failed to respond appropriately to actions by Bosniac civilians. Beginning that same afternoon and continuing into the evening, 23 Bosniac families were forcibly evicted from their homes in west Mostar, and a number of other attempted forced evictions were reported. These evictions occurred in a localized geographic area and appeared to be the work of well-organized criminal groups. In many cases, victims reported that the perpetrators identified themselves as police or special police.

There have been six arrests relating to two of the incidents on the M-17, including one off-duty police officer, but no prosecutions in the remaining 20 cases. While those who were illegally evicted were quickly returned to their dwellings, there have been no arrests of those responsible for the pattern of evictions which occurred on the night of 10 February. Although there is evidence of police involvement with respect to a number of the criminal acts of violence and eviction which followed the 10 February incident, little substantive investigation or action has been taken to identify the police responsible, and to hold them accountable for their actions.

Indeed, the police have consistently failed to investigate crimes involving persons of a different ethnicity or, alternatively, to arrest suspects of their own ethnicity. It is clear that the police leadership, in both east and west Mostar, has failed to provide adequate protection to persons living and travelling in the city. The police have often appeared to be simply instruments of the political establishment, enforcing restrictions on freedom of movement while permitting those who commit acts of violence to remain free from prosecution. When Mostar police have intervened to address criminal behaviour, their actions have usually been limited at best to returning the situation to the status quo ante rather than arresting those responsible for inter-ethnic violence. The ability of the police to perform their basic duties, including investigation of crimes, is also severely hampered by the fact that the east and west Mostar police do not even share rudimentary information regarding criminal offences, much less cooperate in responding to them. The police failures have been so substantial that there has been virtually no professional police protection for a population of east and west Mostar that has come to live in fear of violence and harassment.

The failures in Mostar involve political authorities as well as police. The absence of functioning local institutions is a crucial factor. Instead of initiatives to address Mostar's problems, the political leadership relies on a continuous flow of invective directing blame at "the other side". The actions of political leadership have had a direct impact on tensions in the city and the atmosphere of divisiveness between the parties. The death of an elderly woman after she was evicted from her flat, the start of construction on the Croat national theatre, the televised burning of a Croat flag, the placing of "sleeping policemen" on the Bulevar by east Mostar police, and the continued threat, eventually acted upon, to remove local police officers from the Unified Police Force of Mostar, have added to tension in a city where violence has

become the norm. Irresponsible and inaccurate reporting by the local media, often inflammatory and with a strong ethnic bias, has contributed to the instability of the Mostar environment. The political leaders of Mostar have capitalized on these shortcomings, using the media to further their own agendas.

This summary of the incidents during the period from 1 January to 15 February 1997 shows a city gripped by ethnic tension and outbreaks of violence, unchecked by responsible police or political action. It cannot be permitted to continue. Police must accept their responsibility to protect all citizens, regardless of their ethnicity. Those who commit criminal acts must be arrested and prosecuted to the fullest extent of the law. As a first step, the integrated cantonal police force must be established as agreed by with all urgency, and full participation in the United Police Force of Mostar is required until that force is operational. At the same time, the political leadership must commit itself to building a stable environment, in which there is freedom of movement, freedom from harassment, and strong, effective, integrated institutions. The establishment of functioning local institutions is a crucial step to ensuring that problems are addressed when they occur, before they escalate or invoke retaliation. Working together, the political authorities and police of Mostar will be able to ensure that the security concerns of all citizens are properly addressed.

II. CONCLUSIONS

This review of events preceding and following the 10 February incident portrays a city troubled by intra-ethnic violence, and a political and police leadership not unable, but unwilling to intervene. From 1 January to 10 February, there were substantial abuses of freedom of movement on routes within and through the city, the security climate was tense due to a concentrated series of shooting incidents and explosions, and frictions had been exacerbated by several well-publicized events (including the death of an elderly woman following an eviction, the start of construction on the National Theatre, televised burning of a Croat flag, and the construction of sleeping policeman on the Bulevar). The events of 10 February, however, stand out starkly in their intensity and consequences from prior incidents. Tensions were certainly high immediately prior to 10 February 1997, but Mostar has experienced similar periods of heightened security concerns that have subsided without culminating in such violence.

In the period prior to 10 February 1997, the political and police authorities in Mostar did not take any notable steps to defuse growing tensions - just the opposite. The leadership on both sides of the city instead engaged in its familiar pattern of name-calling and destructive tit-for-tat measures. Both sides attempted to exploit security incidents to their advantage, rather than addressing their causes and consequences in a collaborative, constructive manner. For example, west and east Mostar authorities exacerbated the fears generated by shooting incidents and explosions. Rather than investigating and prosecuting those responsible for forced evictions or dealing responsibly with attacks on the M-17 between Capljina and Mostar, the west Mostar media and leadership painted a picture of the Croat community under attack. Threats and injuries faced by Bosniacs were

ignored. East Mostar authorities, rather than effectively addressing concerns over stonings and explosions near the Bulevar, aggravated the problem by erecting "sleeping policemen".

In this context, the actions of the Mostar authorities with regard to the cemetery visit on 10 February also raise questions. The IPTF report conclusively finds that the west Mostar authorities were formally notified concerning the planned visit. Nevertheless, under the tense circumstances which then existed in Mostar, the east Mostar leadership could have handled the visit more responsibly, including by informing the appropriate political authorities, as well as making technical notifications. For example, Deputy Mayor Orucevic did not notify the Office of the High Representative (South) despite opportunities to do so on or before the planned cemetery visit, although Orucevic has since acknowledged that the event might be difficult given the existing political climate. Of course, this omission in no way excuses the criminal response to the visit by certain west Mostar police documented in the 24 February IPTF investigation report, or the current failure of the authorities to investigate, brought to trial before an independent and impartial court and prosecuted to the full extent of the law.

Events in Mostar from 1 January to 15 February 1997 amply demonstrate a failure by both the political authorities and police to act responsibly and effectively in providing security for all citizens. At the heart of the issue is the failure of the local authorities and the police to work together and to build common structures and institutions to ensure the well-being and security of all Mostar citizens. For the abuses identified in the report to be addressed, functioning police and political institutions must be established in Mostar.

The ability of the Mostar police to fulfil the most fundamental policing responsibilities is severely hampered by the failure of the east and west Mostar police to cooperate with each other. The fact that it was only the efforts of the team preparing the report which led to the east and west Mostar police exchanging their reports of incidents which occurred to Bosniacs and Croats respectively is indicative of the problem. Police on both sides, with the leadership and full support of political authorities, must work together on the ground by sharing information and liaising to anticipate and deal with future incidents. They must investigate and act on the criminal incidents prior to, on and after the 10 February incident. In particular, the series of attacks on the M-17 and the wave of illegal evictions in west Mostar which occurred immediately following the 10 February incident must be thoroughly investigated by the east and west Mostar police. In the course of these investigations, particular attention must be paid to the role of the police, including an in-depth look, followed by timely and appropriate response, concerning all allegations of police involvement in criminal acts, or failure to respond adequately to crimes committed by others. Police leadership must be made professional, and police officers responsible for wrongful acts removed.

Finally, police on both sides of the city, with conscientious and sustained support and oversight by political authorities and the media, must now carry out in full the instructions of the Federation government with respect to restructuring and reconfiguration as a single cantonal force with all urgency.

In the interim, full participation in the United Police Force of Mostar is required.

But it is not only the police force which must be integrated in order to address the abuses described in the report. The events in Mostar from 1 January to 15 February 1997 amply demonstrate that the failure of the political authorities of Mostar to be both responsible and effective threatens the security of all Mostar's citizens. Functioning local institutions must be established which will effectively address incidents when they occur, rather than allowing problems to fester until "payback time". The leaders of Mostar must communicate directly with each other, and appear together in the local media, rather than addressing their to international interlocutors and using the media only as a means to further their own political objectives. Only through the proper functioning of Mostar's government, including the interior ministry and police, will all citizens of the city be properly protected and served.